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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,150	08/27/2004	James Anderson	81101894 / FMC 1772 PUS	5149
28395 7590 05/03/2007 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER GATES, ERIC ANDREW	
			ART UNIT 3722	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/711,150	ANDERSON ET AL.	
	Examiner	Art Unit	
	Eric A. Gates	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is in response to Applicant's amendment filed 22 January 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Koffsky et al. (U.S. Patent 4,889,290).
4. Regarding claim 1, Koffsky et al. discloses a machining system 10/12/14/16/18, the machining system comprising: a housing 16/110 defining a portion of the machining envelope; a hopper 126 (including receptacle bag 120) having a top surface (not labeled, see Figures 4 and 5, includes the top of 126 and the portion of bag 120 drooped over 126) defining an opening; a seal 116 extending from the top surface to the housing (as seen in Figure 4); wherein the hopper is configured to receive particulates when positioned below the machining envelope.
5. Regarding claim 3, Koffsky et al. discloses that the hopper further comprises a bottom panel and a set of wheels disposed proximate the bottom panel (not labeled, see Figure 1 and 4-5).

6. Regarding claim 5, Koffsky et al. discloses the machining system further comprising a funnel (not labeled, next to label 112 in Figures 4-5) adapted to direct particulates into the hopper 126 disposed on the housing above the hopper and below the machining envelope.

7. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Koffsky et al. (U.S. Patent 4,889,290).

8. Regarding claim 17, Koffsky et al. discloses a housing 16/18 including: an upper portion 16 defining a machining envelope; a lower portion 18 disposed proximate the upper portion, the lower portion having an access port (not labeled, ramp side of Figure 1); and a mating portion 110 disposed proximate the upper and lower portions defining a first aperture (not labeled, hole defined by 112 and 114 in Figures 4 and 5), the mating portion having a bottom surface 114; and a chip hopper 126 (including receptacle bag 120) adapted to be inserted through the access port into the lower portion, the chip hopper including: a top surface (not labeled, see Figures 4 and 5, includes the top of 126 and the portion of bag 120 drooped over 126) defining a second aperture; and a seal 116 disposed on the top surface; wherein the seal engages (per Webster's Online Dictionary, "engage" is defined as "to come into contact with"; the seal 116 engages the bottom corner of bottom surface 114) the bottom surface 114 of the mating portion to inhibit particulates from exiting the housing.

9. Regarding claim 18, Koffsky et al. discloses wherein the lower portion 18 further comprises a second access port (not labeled, side opposite ramp in Figure 1) adapted

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to permit removal of the chip hopper 126 disposed opposite the first access port
(capability to remove chip hopper through second access port exists).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koffsky et al. in view of McGregor et al. (U.S. Patent 6,112,504).

12. Regarding claims 2 and 19, Koffsky et al. discloses the invention substantially as claimed, except Koffsky et al. does not disclose the system further comprising a lift platform adapted to raise the hopper to position the seal adjacent to the housing and the top surface. McGregor et al. teaches the use of a lift platform 27 for the purpose of raising a hopper 12 as necessary to position a seal 18. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the system of Koffsky et al. with the lift of McGregor et al. in order to have a system that is able to have the hopper repositioned as necessary.

13. Regarding claim 6, Koffsky et al. discloses the invention substantially as claimed, except Koffsky et al. does not disclose a blower adapted to blow particulates into the hopper. McGregor et al. teaches the use of a blower 38 for the purpose of blowing particulates into the hopper 12. Therefore it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to have combined the system of Koffsky et al. with the blower of McGregor et al. in order to have a system that more effectively directs the particulates into the hopper.

14. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koffsky et al. in view of Demarco (U.S. Patent Publication 2003/0131571 A1).

15. Regarding claims 4 and 20, Koffsky et al. discloses the invention substantially as claimed, except Koffsky et al. does not disclose at least one channel adapted to receive a forklift fork disposed proximate the bottom panel. Demarco teaches a hopper 18 that can be equipped with forklift channels 20 and 22 for the purpose of receiving and being moved by the tines of a forklift truck. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the system of Koffsky et al. with the forklift channels of Demarco in order to have a system that can be more easily removed from the machine system.

16. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koffsky et al. in view of McGregor and further in view of Demarco.

17. Regarding claims 7 and 8, Koffsky et al. discloses the invention substantially as claimed, except Koffsky et al. does not disclose the hopper further comprises a housing vent disposed below the funnel and a filter adapted to allow pressurized air to exit the hopper and prevent particulates from exiting the hopper disposed proximate the housing vent. Demarco teaches the use of a vent pipe 354 and vent flap 356 and a filtering unit 222 for the purpose of allowing purified air to be released to the atmosphere. Therefore it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to have combined the system of Koffsky et al. with the vent and filter of Demarco in order to have a system that runs cleaner and is more environmentally friendly.

Response to Arguments

18. Applicant's arguments filed 22 January 2007 have been fully considered but they are not persuasive.

19. Applicant's arguments that a *prima facie* case has not been established for the rejections of claims 1 and 17 are not persuasive. Applicant argues that "the Examiner has not pointed with particularity to any element of Koffsky '290 as being a top surface". As can be seen in the rejection mailed 15 November 2006, the top surface was defined as including the top of hopper 126 and the portion of bag 120 drooped over hopper 126. Based on this definition of the top surface for the rejections of both independent claims, it can be seen that the seal 116 extends from the top surface to the housing 16/110.

20. For the reasons as set forth above, the rejections are maintained.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


EAG
30 April 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER